

25

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING & REGULATION  
BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS**

In the Matter of :

**MITCHELL R. MCCULLERS, D.V.M.**

License No. VET.1133

OIE # 2014-37

**CONSENT AGREEMENT**

Respondent.

By agreement of the State Board of Veterinary Medical Examiners for South Carolina (the Board) and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(f) (1976, as amended), in lieu of, *inter alia*, a hearing before the Board. Respondent, admitting the allegations herein and agreeing to the sanctions as set forth below, agrees to waive the formal hearing procedures.

**FINDINGS OF FACT**

1. Respondent admits that he is licensed to practice veterinary medicine in the State of South Carolina since 1987, was so licensed at all times relevant to the matters asserted in this case and that the South Carolina Board of Veterinary Medical Examiners has jurisdiction over this matter.
2. Respondent practices veterinary medicine at James Island Veterinary Hospital in Charleston, South Carolina. On or about August 8, 2014, Respondent saw a dog named "Holly" for prophylaxis. Respondent allowed a licensed veterinary technician to perform the procedure and extract four (4) teeth without the owners' knowledge or consent.
3. Respondent waives any further findings of fact with respect to this matter.

**CONCLUSIONS OF LAW**

1. The Respondent admits that his actions in this matter constitute a violation of S.C. Code Ann. § 40-69-110(A)(20) (1976, as amended) in that Respondent has permitted a person who does not hold a license to practice veterinary medicine in this State to perform work which, under this chapter, can lawfully be done only by a person holding a license to practice veterinary medicine.
2. Respondent hereby waives any further conclusions of law with respect to this matter.

**THEREFORE, IT IS ORDERED WITH RESPONDENT'S CONSENT THAT:**

1. Respondent shall be **publicly reprimanded**.

2. Respondent shall pay a fine of One Thousand Dollars (\$1,000.00) to the Board. Payment must be made **within six (6) months** of the effective date of this Agreement. Respondent shall finance the costs of investigation of the Complaint.
3. Respondent shall pay, **within six (6) months** of the effective date of this Agreement, the costs of investigation, One Hundred and Seventy-five Dollars (\$175.00). Failure to comply with this requirement within the prescribed time shall automatically result in the immediate temporary suspension of Respondent's license to practice veterinary medicine until such time as full compliance has been made by Respondent.
4. Respondent shall appear and report to the Board as requested by the Board.
5. Respondent shall promptly advise this Board in writing of any changes in address, practice, hospital privileges, professional status, or compliance with this agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

SC LLR – Office of Licensure & Compliance  
ATTN: Compliance Manager – Board of Veterinary Medical Examiners  
P.O. Box 12517  
Columbia, SC 29211

6. It is understood and agreed that Respondent has full knowledge that he has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement, he voluntarily relinquishes any right to judicial review of this or any other Board action(s) which may be taken concerning this and any related matters. Respondent waives statutory right to notice of any hearing held with respect to this Consent Agreement. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board.
7. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. It is further understood and agreed that, pursuant to the South Carolina Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 to -165 (1976, as amended), this Consent Agreement is a **public document**.
8. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's license may be immediately administratively suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
9. This Consent Agreement shall take effect immediately upon acceptance by the Board.
10. Respondent understands and agrees that a representative of the General Counsel's Office and Respondent may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to




adjudicate this matter.

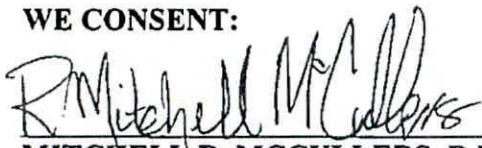
**AND IT IS SO ORDERED.**

**SOUTH CAROLINA BOARD OF VETERINARY MEDICAL  
EXAMINERS**


2/26/15  
Date

  
~~OSWALD H. KING, III, D.V.M.~~  
VICE-CHAIRPERSON OF THE BOARD  
REBECCA M. HUGHES, D.V.M.

**WE CONSENT:**

  
MITCHELL R. MCCULLERS, D.V.M.  
RESPONDENT

1/20/2015  
Date

  
ERIN G. BALDWIN  
Office of Disciplinary Counsel  
P.O. Box 11329  
Columbia, SC 29211-1329  
(803) 896-4581

2/6/15  
Date